



East Timor

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East Timor became a fully independent republic on May 20, following approximately 2½ years under the authority of the U.N. Transitional Administration in East Timor (UNTAET). The country has a parliamentary form of government with its first parliament formed from the 88-member Constituent Assembly chosen in free and fair, U.N-supervised elections in August 2001. The 29-member Cabinet is dominated by the Fretilin Party, which won the majority of Assembly seats. Mari Alkatiri, Fretilin's Secretary General, is Prime Minister and Head of Government and Xanana Gusmao, elected in free and fair elections on April 14, is President and Head of State. UNTAET's mandate ended with independence but a successor organization, the U.N. Mission for the Support of East Timor (UNMISET), was established. Under the Constitution ratified in March "laws and regulations in force continue to be applicable to all matters except to the extent that they are inconsistent with the Constitution;" and Indonesian and UNTAET laws and regulations continue to be in effect. Regulations providing for an independent judiciary generally were respected during the year; however, the independence of the judiciary occasionally has been questioned.

UNMISET maintains responsibility and command of the U.N. Peace Keeping Force (UN-PKF) and the U.N. Police Forces (UNPOL). In addition to providing interim law enforcement and public security, UNMISET is assisting in the development of the East Timor Police Service (ETPS), which will assume responsibility for internal law and order. The East Timor Defense Force (ETDF) will gradually take over responsibility for external defense from UN-PKF. The UN-PKF continued to reduce its presence during the year. UNMISET's mandate is scheduled to be phased out completely by June 2004. The ETPS is responsible to the civilian Minister of Internal Administration, and the ETDF is responsible to the civilian Secretary of State for Defense. Some individual members of the ETPS committed some human rights abuses.

East Timor is an extremely poor country, with two-thirds to three-fourths of the population of 775,000 persons engaged in subsistence agriculture. Per capita gross domestic product was estimated to be approximately \$460. An estimated 70 to 80 percent of the country's infrastructure was damaged severely by the systematic scorched-earth campaign that Indonesian military and militia forces conducted in September 1999, as they withdrew. During the year, reconstruction proceeded slowly. The majority of the population has basic shelter and sufficient food supplies. Low-level commercial activity resumed; much of it served the large foreign presence. The rural agricultural economy has recovered significantly, but the country remained dependent on imported food. Coffee remained the territory's only significant export, but falling world prices hindered export earnings. In July 2001, the country concluded an agreement with Australia to share revenue from the potentially lucrative Timor Gap oil and gas region, from which significant revenues are predicted to begin in 2004. Property ownership disputes and the lack of a comprehensive commercial code hindered investment and related long-term development. Urban unemployment and wage and price inflation remained significant problems. Most observers believed that East Timor would remain heavily dependent on foreign assistance for the next several years.

Both UNTAET and the new Government generally respected the human rights of citizens. The arrival of international forces and withdrawal of Indonesian forces in September 1999 largely brought to an end the decades-long pattern of numerous, serious human rights abuses by Indonesian authorities and Indonesia-backed East Timorese militias; however, many serious problems remained. In 2001 militias based in West Timor, Indonesia, some backed by elements of the Indonesian Government, at times crossed into East Timor and threatened, robbed, attacked, and occasionally killed local villagers. There were no such attacks during the year, although there were reports of cross-border infiltration throughout the year. On December 4, two persons were killed in violent rioting in Dili; ETPS personnel were believed responsible for at least one of the killings. There was a problem with prolonged pretrial detention and the vast majority of the prison population is composed of pretrial detainees. On occasion the independence of the judiciary was questioned, and judicial system resources were inadequate. There has been no sitting appeals court since November 2001. By year's end, over 222,000 refugees had returned to East Timor from West Timor and other areas of Indonesia, but many others remained in West Timor. It was not clear how many of these persons wished to return but felt unable to do so either because of fear of reprisals from militias in West Timor or because of instances of attacks and harassment of returning refugees suspected of being former militia members. Domestic violence against women was a significant problem, and customary practices discriminate against women. The educational infrastructure, while significantly improved since September 1999, suffered from inadequate facilities, poorly trained teachers, and lacked educational materials.

Protestants and Muslims occasionally were harassed. Ethnic-Chinese businessmen faced some extortion and harassment, and non-Portuguese speakers reported discrimination in government hiring. Local leaders sometimes forced suspected militia members returning from West Timor, Indonesia, to engage in compulsory labor. East Timor was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

During the year, significant efforts were made to bring to justice those persons responsible for the most serious abuses committed during 1999. UNMISSET includes a Serious Crimes Investigation Unit (SCIU), which issued 46 indictments against 141 accused perpetrators, 129 of whom are charged with crimes against humanity. A judicial body, the Serious Crimes Panel, tried and convicted 26 of these persons and acquitted 2. The SCIU also issued 12 arrest warrants for Indonesian military officers and submitted these arrest warrants to the Indonesian Government. By year's end, the Indonesian Government had not responded formally. In Jakarta the Indonesian Government's East Timor Ad Hoc Tribunal on Human Rights saw prosecutors present weak cases. During the year, the Tribunal completed 12 of 18 trials and convicted 3 defendants of crimes against humanity—2 East Timorese and 1 Indonesian—while acquitting 12 Indonesian defendants. The Tribunal's performance disappointed international observers.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of political killings during the year; police killed a protester in clashes in Baucau on November 23 (see Section 1.c.). On December 4, during clashes between rioters and security forces in Dili, 2 persons were killed and 15 injured. It had not been established that the dead and injured were shot by security force personnel, but the ETPS personnel were believed to have committed at least one of the killings, and credible sources reported that the security forces used excessive force (see Section 2.b.).

In July 2001, UN-PKF forces based in East Timor shot and killed an Indonesian soldier dressed in civilian attire in West Timor after he reportedly fired across the border.

In March 2000, militia members reportedly killed a villager near Maliana. By year's end, this case remained under investigation, and no charges had been filed.

In July 2000, near Suai, approximately eight militia members shot and killed New Zealand U.N. peacekeeper Private Leonard William Manning and mutilated his corpse. In November 2001, the leader of the group, Jacobus Bere, was put on trial in Jakarta, Indonesia, for first- and second-degree murder following a joint Government of Indonesia-UNTAET investigation. Indonesian prosecutors also indicted three of the five militia members involved. Yohanes Timo and Gabriel Hale Noni were charged with premeditated murder, a charge carrying the death penalty. Fabianus Ulu faced up to 15 years in jail if convicted on the lesser charge of homicide. On March 7, the Indonesian court sentenced Bere to 6 years' imprisonment and acquitted the other three accused.

In August 2000, militia members killed Nepalese U.N. peacekeeper Private Devi Ram Jaisi and wounded four other persons. By year's end, UNTAET and the Government of Indonesia had been unable to capture the suspects in this incident.

Elements of the Indonesian security forces (TNI) and prointegration (with Indonesia) East Timorese militias, armed and largely supported by the TNI, were responsible for numerous killings in East Timor throughout 1999, especially after the August 1999 consultation vote resulted in an overwhelming majority for independence. Since 2000 UNTAET and the East Timor Government have made efforts to bring to justice those persons responsible for the most serious abuses. In 2000 UNTAET established a Serious Crimes Investigation Unit to address the most recent and serious cases (see Section 1.e.). In April 2000, UNTAET concluded a memorandum of understanding with the Government of Indonesia regarding legal, judicial, and human rights cooperation. In December 2000, UNTAET filed indictments against persons suspected of committing war crimes and related atrocities in 1999. The Indonesian Government (Attorney General's Office) did not take a position or respond formally. Of the 141 persons indicted by UNTAET, 84 reportedly were at large in Indonesia.

During 2000 UNTAET provided considerable assistance to Indonesian authorities investigating the atrocities committed in East Timor during 1999. In Indonesia the Commission for Investigation of Violations of Human Rights in East Timor (KPP-HAM) submitted its report on human rights violations in East Timor to the Indonesian Attorney General's office in January 2000. The report built on an earlier interim report that held Indonesian security forces responsible for the destruction and violence that followed the East Timor consultation vote in August 1999. The KPP-HAM members recommended the investigation of more than 30 persons, including the commander of the security forces General Wiranto, former Indonesian armed forces intelligence chief Zacky Anwar Makarim, and other high-ranking TNI and police officers. The Indonesian Attorney General announced that his office initially would prosecute five major cases arising from the 1999 violence: The April 1999 massacre in Liquica, in which at least 25 persons died; the April 1999 killings at proindependence activist Manuel Carrascalao's home in Dili, in which at least 15 persons died; the September 1999 attack on the compound of the Catholic Diocese in Dili; the September 1999 massacre of at least 3 priests, and 160 other civilians at a church in Suai; and the September 1999 killing of Dutch journalist Sander

Thoenes. In September and October 2000, the Indonesian Attorney General's office named a total of 23 suspects in the cases (1 of whom was killed by fellow militia members in September 2000). In February the Government of Indonesia convened the Ad Hoc Human Rights Tribunal for East Timor to try persons who committed atrocities during April and September 1999 in Liquica, Dili, and Suai. On August 14 and 15, the Tribunal handed down its first verdicts, acquitting six of seven defendants. Former Governor Abilio Soares was convicted and given a 3-year prison term. On November 27, one of the most notorious militia leaders, Eurico Guterres, was convicted of "murder and persecution" and given a 10-year sentence. On December 27, the Tribunal convicted Lieutenant Colonel Sujarwo, who had commanded the Dili military district, and sentenced him 5 years. The Indonesian government prosecutors in these cases did not fully use the resources and evidence available to them from the United Nations and elsewhere. The Tribunal's performance disappointed international observers.

During 2000 there were reports that returning refugees alleged to have militia links were killed. In January and February 2000, two men were killed in Ermera district. In April 2000, Gabriel Alves, a suspected militia member, was beaten and kicked to death in Ulmera, Liquica. A suspect was arrested in 2000, but was released pending trial. By year's end, no trial date had been set.

b. Disappearance

There were no reports of politically motivated disappearances during the year.

There were numerous reports of abductions and disappearances following the flight and forced relocation of more than 250,000 civilians in September 1999. In addition, dozens of prisoners, including political prisoners, previously held in Becora prison in Dili reportedly were taken to West Timor in September 1999. By the end of 2000, nongovernmental organizations (NGOs) had determined the whereabouts of the vast majority of the former prisoners. Some returned, while others remained in West Timor.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution provides that all persons undertaking public duties or holding public office shall observe internationally recognized human rights standards, as reflected in the U.N. Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and security force and other government and U.N. personnel observed these regulations in practice.

On November 18, in Baucau a police officer and his attacker were both seriously injured and a police pistol was stolen. Subsequently, on November 23, the house of the person who had allegedly stolen the pistol was burned, and this was followed by an attack on Baucau police headquarters. Protesters allegedly bombarded the police station and vehicles with rocks, and one of the protesters was reported to be carrying a firearm. Police responded by firing several hundred rounds, reportedly mainly into the air. One protester was critically injured, apparently by a gunshot wound, and subsequently died. Community residents alleged that ETPS personnel threatened, intimidated, and assaulted them in course of searching for suspects and gathering information. At year's end, UNPOL and a U.N. Human Rights Unit were investigating.

During clashes in Dili between rioters and security forces on December 4, 2 persons were killed and 15 injured; ETPS personnel were believed responsible for at least one of the killings. Credible sources reported that the security forces used excessive force (see Section 2.b.).

There were isolated cases of local residents mistreating returning refugees who were suspected of being former militia members or militia sympathizers. In past years, such mistreatment occasionally took the form of interrogation, stoning, beating, and forced labor (see Section 6.c.). In 1999 and 2000, local UNTAET and U.N. police officials often permitted irregular security groups to screen returnees to determine if they had been associated with militias or Indonesian intelligence or had committed abuses. This screening usually occurred once the returnees had arrived back in their home areas. Returnees who were suspected of having committed abuses in some instances were beaten during these sessions, at times severely. For example, in early February 2000, an interrogation team beat and stabbed an alleged militia member in Liquica. However, most returning refugees were reintegrated without significant problems (see Section 2.d.).

In 1999 TNI-supported militia groups perpetrated numerous acts of rape and sexual abuse against displaced East Timorese women, in addition to the widely reported rapes of women whom one of the militia groups kept as sex slaves in their Dili headquarters (see Section 5). In 2000 a Dili court indicted one militia member on a rape charge stemming from the September 1999 violence in Suai; however, the case had not been prosecuted by year's end. An SCIU (see Section 1.e.) special team established to address sexual violence continued to investigate numerous other rape cases. Numerous cases of alleged rapes in previous years by Indonesian soldiers and civilian personnel remained unresolved.

Prison conditions generally met international standards. A separate juvenile block at the Becora prison was finished and used to house juvenile prisoners. There were no separate juvenile facilities at the Gleno or Baucau prisons. Two juveniles were incarcerated at Gleno. Female prisoners have segregated housing in Gleno, but shared housing with juveniles in Becora until transferred to Gleno. There were two full-time social workers to deal with juveniles, women, the elderly, and mentally ill inmates.

The Government permitted prison visits by independent human rights observers.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and government regulations require a hearing within 72 hours of arrest to review the lawfulness of the arrest and detention, and provide the right to a trial without undue delay.

Pretrial detention is allowed only for crimes carrying a sentence greater than 1 year. In principle a judge must review pretrial detention every 30 days; however, in practice limited resources hindered this review, and many persons remained in pretrial detention longer than stipulated. The maximum pretrial detention period is not to exceed 6 months for suspects who are charged with crimes carrying a sentence of 5 years or less. In the case of a suspect who is charged with a crime carrying a sentence of more than 5 years, a court panel may extend the pretrial detention for an additional 3 months. For crimes with a sentence of over 10 years, a court panel may order additional pretrial detention beyond 9 months. Upon the expiration of the maximum detention period, a judge may order the release of a detainee. During the year, approximately 25 percent of all detainees were overdue for review of their pretrial detention. At year's end, two-thirds of the total prison population were pretrial detainees. Of the pretrial detainees, three-quarters were charged with murder, manslaughter, rape, or other violent crimes that carried sentences greater than 10 years. The Government's general policy was to keep the prison population as low as possible. Consistent with this approach, many detainees were released on bail upon review; however, charges against them were not dropped, and their legal status was uncertain. Some detainees were in pretrial detention for periods longer than the maximum sentences for the crimes with which they had been charged. The number of pretrial detainees for serious and ordinary crimes had increased from the previous year.

The Constitution prohibits forced exile, and the Government did not use it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary. The Court Law provides that judges shall perform their duties "independently and impartially" without "improper influence." UNTAET regulations, still in force, established a Prosecution Law that requires that all public prosecutors discharge their duties impartially. These regulations generally were respected during the year; however, the independence of the judiciary occasionally was questioned. In September 2000, the Dili District Court ordered the arrest of a Japanese reporter for "offending the dignity" of National Council of Resistance President Xanana Gusmao—a crime under the Indonesian Criminal Law Code that the East Timor courts continued to use during 2000, despite Indonesia's revocation of the law. The reporter later was released, and UNTAET subsequently revoked the Indonesian statute used in the case.

The civil law court system includes four district courts and one national Court of Appeal in Dili. In June 2000, UNTAET established a public prosecutor's office. The Ministry of Justice is responsible for administration of the courts and prisons and provides defense representation as well. The Prosecutor General is responsible for initiating indictments and prosecutions. The Government continued to make progress in creating a legal basis for the justice sector, but faced serious challenges in recruiting and training qualified judges, prosecutors, and defense lawyers. The judiciary's shortage of personnel, bureaucratic and managerial inefficiency, failure to appoint a council of magistrates, and a past insistence on Portuguese-language ability for international judges all contributed to the Government's inability to process criminal cases against most detained suspects within a reasonable time (see Section 1.d.). Due to the lack of judicial and legal personnel, only two district courts were fully functional. The Appeals Court did not function during the year.

In March 2000, UNTAET established a special Serious Crimes Panel within the Dili District Court to serve as a de facto international tribunal to prosecute those Indonesian and pro-Indonesian East Timorese persons responsible for the mass killings in 1999 and other serious human rights abuses. However, insufficient funding and staffing of the UNTAET SCIU limited its ability to investigate the 10 priority incidents related to the 1999 atrocities. In an effort to overcome these difficulties, the SCIU was reorganized in December 2001 and additional resources were allocated. However, insufficient staff and funding continued to slow prosecutions. During the year, there was only one functioning Special Panel to hear serious crime cases. By year's end, the Prosecutor General in Dili had filed 46 indictments against 141 accused militia members for serious crimes, 129 of whom were accused of crimes against humanity.

The Crimes Panel, which consists of two foreign judges and one East Timorese judge, has exclusive and "universal" jurisdiction to adjudicate cases of genocide, war crimes, crimes against humanity, murder, sexual offense, and torture that occurred between January 1 and October 25, 1999. In June 2000, UNTAET created a corresponding Serious Crimes Prosecution Division under the Prosecutor General, which includes an internationally staffed Serious Crimes Investigation and Prosecution Unit. UNTAET adopted international definitions of genocide, war crimes, crimes against humanity, torture, and command responsibility into a criminal code for the Serious Crimes Panel, and in December 2000 filed the first indictments against Indonesian and pro-Indonesia East Timorese suspects. UNTAET requested assistance from the Government of Indonesia in extraditing identified suspects at large in Indonesia; however, the Government of Indonesia refused to extradite suspects to East Timor or to allow UNTAET investigators to question suspects in Indonesia. Nonetheless the Serious Crimes Panel proceeded with its work, and at year's end 24 cases were at various stages in their proceedings before the Panel.

The Constitution makes Portuguese and Tetum the official languages, although only a minority of the population speaks Portuguese. Many laws have been promulgated in Portuguese, and Portuguese was the primary language in which judicial proceedings were conducted. Many judges, prosecutors, defense counsels, and defendants were unable to read the new laws being promulgated by Parliament. The Government provided Portuguese language

lessons for public officials including judges and prosecutors, and regulations provide for interpretation of judicial proceedings into languages understood by the parties. However, translation and interpretation facilities were not able to meet the needs of the judiciary.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution and government regulations provide for the freedom of speech and press as stipulated in the U.N. International Covenant on Civil and Political Rights, and the Government generally respected these rights in practice.

There are two daily newspapers, two weeklies, and several bulletin newspapers that appear sporadically. Their editorials freely criticize the Government and other political entities.

The Government assumed responsibility for a radio and a television station formerly operated by UNTAET, and in May the Constituent Assembly passed legislation creating a Public Broadcast Service. At year's end, the Service was still being organized. The government radio service was available throughout the country. Broadcast television was available only in Dili. In addition to the government-operated station, there were six nongovernment radio stations, three in districts outside Dili. Additionally, small community radio stations were being organized.

While insufficient resources constrained development of print and broadcast media, there are no political or legal impediments to new entries to the media market.

In November UNMISSET issued indictments against two Indonesian army officers for the September 1999 killing of Dutch journalist Sander Thoenes in Dili. A spokesman for the Indonesian Attorney General's office was quoted as saying that Indonesia would not send the two officers to East Timor to stand trial. In September 2000, the U.N. announced it was investigating the October 1975 murders of five Australia-based journalists in East Timor; the investigation continued at year's end.

There were no legal or administrative restrictions on Internet access.

The Government did not restrict academic freedom. The University of East Timor, whose facilities were destroyed in September 1999, reopened in a new location in November 2000. Several private, post secondary, educational institutions opened during the year.

b. Freedom of Peaceful Assembly and Association

The Constitution provide for the freedoms of assembly and association as stipulated in the U.N. International Covenant on Civil and Political Rights, and the Government generally respected these rights in practice. Many peaceful demonstrations occurred throughout the year. Most centered on complaints over allocation of jobs, salaries, severance pay issues, and admission of students to the university.

On December 4, what began as a student demonstration in Dili degenerated into violence that left 2 persons dead and 15 injured. The police fired warning shots, and there were unconfirmed reports that shots were fired from the crowd. The police were believed to have committed at least one of the killings and wounded those injured. After the shooting, the crowd set fire to several buildings including a house owned by the Prime Minister's family, and a supermarket; an automobile in front of the Dili mosque was burned and many windows in the mosque were broken. At year's end, investigations into the disturbances and the police response were underway. Both U.N. and government officials said that they would provide police additional training in human rights and in appropriate crowd control techniques.

The Constitution recognizes the right to form opposition political parties and the right to be informed regularly and directly on issues of public interest. Although the Government generally respected these rights, opposition parties complained that the ruling Fretilin excluded members of other parties from positions in the executive branch of government including positions which, under the applicable regulations, should have been selected on merit without regard to political affiliation.

c. Freedom of Religion

The Constitution provides for freedom of religion. More than 90 percent of the population is Roman Catholic, and Protestant

churches previously were identified with the Indonesian military and with pro-Indonesia East Timorese. Accusations that Protestant clergymen were linked to pro-Indonesia East Timorese militias sometimes led to harassment of church members; however, there were no reports of such harassment during the year.

The Muslim community consists of ethnic East Timorese, longtime residents of Arab descent, and ethnic Malay migrants from other parts of Indonesia who have lived in East Timor for many years. The former groups were well integrated into East Timorese society, but the latter group experienced some harassment. On December 4, an automobile in front of the Dili mosque, which was inhabited by ethnic Malay Muslim migrants who initially fled from East Timor during the violent period in September of 1999, was burned and windows in the mosque were broken (see Section 2.b.).

Although some of the participants in the wide-ranging December 4 violence were arrested, there were no arrests in most cases related to attacks on churches or mosques, largely because of insufficient resources (see Sections 1.c. and 1.e.).

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respected them in practice.

During the year, the Indonesian Government restricted the freedom of movement of residents of the Oecussi enclave, physically separated from the rest of the country by Indonesian territory. Restored ferry service between Oecussi and Dili and between Atauro Island and Dili provided greater freedom of movement; however, the land route through Indonesia remained difficult due to security concerns and bureaucratic roadblocks.

Violent activities by pro-Indonesian militias in 2000 and 2001 forced thousands of villagers to abandon their homes temporarily.

During the year, the Government worked closely with the U.N. High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) to provide for the repatriation of refugees from West Timor, including provision of transportation, shelter, and food. Almost 225,000 of the approximately 250,000 former residents who fled, or whom pro-Indonesia militia removed forcibly to West Timor and elsewhere in September 1999, returned to the country. During the year, the Government of Indonesia announced that it would end aid to the refugee camps in West Timor and revoke refugee status for the individuals remaining. In practice it did stop providing repatriation assistance but did not revoke refugee status. It was not clear how many of these persons wished to return to East Timor but felt unable to do so either because of fear of reprisals from militias in West Timor or because of instances of attacks and harassment of returning refugees suspected of being former militia members.

At year's end, it was not clear whether the Government had formally acceded to the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; Parliament reportedly had given its advice and consent. During the year, the granting of asylee and refugee status took place on a case-by-case basis. On July 28, a small boat with 56 Sri Lankans requested assistance. A UNHCR official persuaded them to disembark temporarily and interviewed them. All voluntarily returned to Sri Lanka. The Government appeared inclined to deal with refugee and asylee requests in accordance with international standards.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully through periodic elections. On May 20, Xanana Gusmao was inaugurated as the first President, and, in accordance with the Constitution, the members of the Constituent Assembly were sworn in as the first National Parliament. The 88-member Assembly, elected in August 2001, was charged with writing a constitution, which was completed in March and came into effect with independence. Some observers criticized the provision that saw the Constituent Assembly automatically become the Parliament, and that there is a 5-year gap until the next election.

With independence, UNTAET's mandate expired, and it was succeeded by UNMISET. UNMISET maintains responsibility and command of the U.N. Peace Keeping Force and the U.N. Police Forces. The UN-PKF remains responsible for external defense, and UNPOL remains responsible for civil policing in cooperation with the ETPS.

The 29-member Cabinet, consisting of Ministers, Vice Ministers, and Secretaries, is dominated by members of Fretilin, the party that won the majority of seats in the Constituent Assembly.

Under the Constitution ratified in March, "laws and regulations in force continue to be applicable to all matters except to the extent that they are inconsistent with the Constitution;" and Indonesian and UNTAET laws and regulations continue to be in effect.

Both the Government and UNTAET made significant efforts to include women in appointed political bodies. There are 24 women in the 88-seat Assembly. The Minister of Justice, the Minister of Finance, and three vice ministers are women.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views. There are no restrictions on the right of persons to form NGOs, and numerous NGOs were established over the last 3 years, devoted to a wide variety of issues.

The Government actively promoted investigation of human rights abuses. In October 1999, the U.N. Human Rights Commission appointed the International Commission of Inquiry on East Timor (ICIET), which issued a report in January 2000 that made several recommendations, including the establishment of an international tribunal to prosecute those responsible for the mass abuses associated with the events of 1999. UNTAET facilitated visits to East Timor of members of the KPP-HAM (see Section 1.a.). Within UNMISSET there is a Human Rights Unit and an SCIU to investigate past human rights violations and to bring the perpetrators of past abuses to justice. Nevertheless, resource constraints as well as bureaucratic and organizational difficulties within the judiciary hampered progress (see Section 1.e.). Dissatisfaction with Indonesia's Ad Hoc Tribunal on East Timor led to discussion of formation of an international truth and justice commission.

In May 2001, an NGO known as the Judicial System Monitoring Program (JSMP) was established. The JSMP monitored the serious crimes trials, provided legal analysis, and disseminated information regarding the judicial system.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

Government regulations prohibit all forms of discrimination. Nonetheless violence against women was a problem, as was discrimination against women and ethnic minorities.

Women

Domestic violence against women was a significant problem. In December 2001, then-chief minister Mari Alkatiri expressed concern over mounting domestic violence against women, stating that "cases of domestic violence are increasing" and that many "consider the beating of women to be a private affair." Reports of domestic violence increased during the year; however, this may indicate more willingness to turn to the police rather than an actual increase in incidence of such violence.

Rape is a punishable offense, as specified by Indonesian law. As of September, 95 cases of rape or attempted rape had been reported to the police, but few of these cases have resulted in prosecutions. Women's groups were concerned that the authorities were encouraging women to resolve rape and domestic violence cases through traditional practices, which usually provide only for compensation to be paid to the victim. In such cases, the perpetrator is not held accountable under criminal laws, and the punishment falls short of international standards. UNTAET attempted to address this issue by establishing a Vulnerable Persons Unit to address cases of violence against women and other vulnerable groups.

On September 12, the Special Panel for Serious Crimes sentenced Francisco Soares, an East Timorese who served in the Indonesian military and as a pro-Indonesian militia leader, to 4 years' imprisonment for raping a woman in Dili in September 1999. This was the only rape conviction by the Serious Crimes Panel.

It was alleged that TNI-backed militias raped numerous women during the September 1999 violence in East Timor and kept many as sex slaves (see Section 1.c.). Kirsty Sword Gusmao, the wife of President Xanana Gusmao, reported to the international press in November 2000 that 33 pregnant East Timorese women returned to East Timor and said that they had been abducted and forced to serve as sex slaves for the TNI in West Timor, Indonesia.

Government regulations prohibit persons from organizing prostitution; however, prostitution itself is not illegal. The Government has deported some alleged prostitutes on the grounds that they violated the terms of their visas.

Customary practices discriminate against women. For example, in some regions or villages where traditional practices hold sway, women may not inherit or own property. UNTAET regulations implemented the U.N. Convention on the Elimination of All Forms of Discrimination Against Women and during the year the country ratified the Convention; however, discrimination complaints were not a priority, and no cases were reported. UNTAET created a Gender Affairs Unit, and this unit continued under the Government as the Office for the Promotion of Equality within the Prime Minister's office. The unit provided training to women entering public service and attempted to ensure women have a voice in the new government and civil society structures.

There were no reports of gender-based employment discrimination during the year; however, women usually deferred to men when job opportunities arose at the village level.

The East Timorese Women's Forum offered some assistance to women who have been victims of violence and established a women's and children's shelter for victims of domestic violence and incest. East Timor Women against Violence is a human rights NGO that advocates on behalf of women.

Children

The Constitution makes primary education compulsory and free; however, many schools assessed fees to pay for materials or infrastructure needs. Many families cannot afford these fees, which limited the number of children a family will send to school. UNTAET and international donors rebuilt and replaced the educational infrastructure destroyed by the Indonesian military and pro-Indonesia militias in September 1999, and the majority of children returned to school after having fled their villages during the 1999 violence. Shortages of schools and educational materials remained a problem at year's end. In the past, UNTAET coordinated widespread inoculation programs and provided free medical care in some areas of the country; however, these programs were largely inactive during the year.

Over 2,000 children were separated from their parents during the forced exodus to West Timor in 1999, and the UNHCR stated that approximately 1,500 remained separated from their parents. Of these, 431 were in the country, 635 were in West Timor, 380 were in other parts of Indonesia, and the whereabouts of 18 were unknown. An estimated 170 children were taken from the camps in West Timor in 1999 and 2000 to orphanages in Java. Eight of these children were reunited with their families in 2001, 13 were reunited during the year, and approximately 150 remained in the Java orphanages.

Persons with Disabilities

Although the Constitution protects the rights of the disabled, the Government has not enacted legislation or otherwise mandated a provision of accessibility to buildings for persons with disabilities, nor does the law prohibit discrimination against persons with disabilities. Nonetheless there were no reports of discrimination against persons with disabilities in employment, in education, or in the provision of other state services. There was only one school for children with disabilities (in Dili) and its capacity is only one-third of pre-1999 enrollment. Difficult access to school in many districts resulted in many children with disabilities not attending school. Training and vocational initiatives did not give attention to the needs of persons with disabilities.

National/Racial/Ethnic Minorities

Ethnic Chinese (who make up less than 1 percent of the population) and ethnic-Malay Muslims sometimes have been subjected to harassment. Tensions between different language groups also were a problem. Many non-Portuguese speakers claimed that they were discriminated against in filling political and civil service positions.

Section 6 Worker Rights

a. The Right of Association

During the year, the Government implemented a Labor Code based on the International Labor Organizations standards. The law permits workers to form and join worker organizations without prior authorization. Unions may draft their own constitutions and rules and elect their representatives; however, attempts to organize workers generally have been slowed by inexperience and a lack of organizational skills, as well as by the fact that the Government has not yet appointed a person to head the Office of the Registrar of Trade Unions and Employer Organizations. Trade Unions and employer organizations cannot be registered officially. Labor organizations included the Socialist Workers Union, the Trade Union Confederation, Oxfam Workers Union as well as a teachers' union and a nurses' union. Roughly two-thirds to three-quarters of the country's work force is engaged in subsistence agriculture.

There are no restrictions that would prevent unions from forming or joining federations or from affiliating with international bodies.

b. The Right to Organize and Bargain Collectively

While collective bargaining is permitted, workers in East Timor generally had little experience negotiating contracts, promoting worker rights, or engaging in collective bargaining and negotiations.

Dissatisfied workers or disappointed job applicants frequently resorted to strikes, demonstrations, and sometimes destruction of property. Disputes usually centered on demands for higher salaries or severance pay for jobs in which short-term contracts have expired. Many of these disputes were resolved through the arbitration of local NGOs or the Secretariat of Labor and Solidarity.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor

Government regulation prohibit forced labor including by children; however, in the past, local leaders required a number of returnees accused of involvement in the post-September 1999 destruction to engage in compulsory labor as a means of punishing them for their alleged offenses (see Section 1.c.). Examples of such compulsory labor included repairing damaged structures and community service in villages. The Government tolerated this practice. More recently the imposition of compulsory labor gave way to a "reception, truth, and reconciliation" process in which returning ex-militia members agreed to perform community service as a form of reparation for offenses they committed.

Forced or bonded labor by children was not known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment

The Labor Code largely prohibits children under the age of 18 from working; however, there were circumstances under which children between the ages of 15 to 18 can work, and there were even exceptional exemptions for children under 15. The minimum age did not apply to family-owned businesses, and numerous children work in the agricultural sector. In practice enforcement of the Labor Code outside of Dili is difficult.

e. Acceptable Conditions of Work

An UNTAET directive provided for a minimum wage for civil servants of \$65 per month; however, the new Labor Code does not stipulate a minimum wage. Employers used and employees expect a minimum wage of \$85 per month. The Code provides for a maximum workweek and overtime, minimum standards of worker health and safety, days off, and other standard benefits. In practice the Government has not been able to enforce the Code effectively. The Government has not yet established a national labor board, a labor relations board, and a minimum wage board all of which are stipulated in the Code. There are no restrictions on the rights of workers to file complaints and seek redress. The Secretariat for Labor and Solidarity, which is responsible for enforcing labor laws, tried to be responsive to complaints and pressured local businesses to comply with labor standards.

Workers have the right to remove themselves from hazardous conditions without jeopardizing employment; however, it was not clear that they could avail themselves of this right in practice.

f. Trafficking in Persons

Applicable law prohibits trafficking in women and children, whether for the purposes of prostitution or for forced labor, and there were no reports of trafficking during the year.